

FILED - LN

June 18, 2021 11:53 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: eod / SCANNED BY: U.S. 407

**United States District Court
For The Eastern District of Michigan**

Lamont-Oshea..Douglas
Next Friend For
Lamont Oshea Danta Douglas
Plaintiff

V.

Jeffery D. Duncan
Department of Health And
Human Services State Registrar
Defendant, Sued Personal And
Official Capacity

1:21-cv-515

**Hala Y. Jarbou, U.S. District Judge
Ray Kent, U.S. Magistrate Judge**

Complaint Civil Action

NOT A PRISON LITIGATION ACTION

Introduction

This is a Civil Action pursuant to 42 USC § 1983 filed by Plaintiff Lamont Oshea Danta Douglas born in Saginaw Michigan alleging Constitutional Violation of Civil Liberties to change birth certificate to represent the gender identified with. Plaintiff seeks Injunctive Relief, Declaratory Relief and Damages.

Defendant; Jeffery D. Duncan, in his official and personal capacity while acting under color of State Law denied plaintiff civil rights under Michigan State statute § 333.2831(c) which plaintiff challenges as unconstitutional, in that it encroaches on personal rights of liberty to determine who I am.

Jurisdiction

Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution of the United States.

Jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1343(a)(3), in that this action seeks to redress the deprivation, under color of State Law, of rights secured by acts of Congress providing for Equal Rights of persons within the Jurisdiction of the United States.

Plaintiff filed a Notice of Claim concerning these occurrences, right after the denial happened. Certified mail return receipt #7012 0470 0002 1137 4449.

This action challenges the State of Michigan's statutes and procedures (333.2831(c)) to change Gender on birth records as unconstitutional.

And the taking of property by Jeffrey D. Duncan without just compensation. Afs No. 3618566

And the denial of equal protection of suspect class sex/gender discrimination.

Statement of facts

#1. At all times relevant plaintiff, was born in Saginaw, Michigan

#2. On or about July, 2019, I wrote Michigan's vital statistics to change my birth record/certificate to reflect the gender identified with.

#3. I received documents from the defendant to complete this process on or about September, 2019.

Documents: Acceptable Id. 333.2891(3),
Medical Affidavit 333.2831(c),
Notice of Deficiency No. 3618566,
Fifty-dollar Processing Fee.

#4. I filled these documents out reflecting my gender change to female, submitted them with the \$50.00 processing fee. Required to change these records on October 30, 2019.

#5. Which filing fee I never received back, nor did I received the change I paid for.

#6. The defendant wrote back asking for more information on April 9, 2020. ...(i.e. A medical Affidavit from a doctor who performed a medical sex change operation to make the changes in the Birth Record).

#7. I wrote back stating I do not need an affidavit in support of my gender identification. And that the Michigan statute violates my Power, Privileges, & immunities under the 14th Amendment.

#8. The defendant wrote back refusing to make the requested changes dismissing my request from the active dockets on July 23, 2020 and confiscating my 50 dollars without compensation.

This suit followed.

Claim For Relief

#9. Defendant violated plaintiff Due Process rights to just compensation in confiscation of plaintiff property.

#10. Defendant violated plaintiff 14th Amendment Equal Protection of the Law of suspect class.

#11. Defendant violated plaintiff 14th Amendment to Personal Liberties in Self-Determination.

Requested Relief

#12. Plaintiff request Declaratory Judgment declaring Michigan statute unconstitutional as applies to plaintiff, Equal protection & Personal Liberties in Self-Determination.

#13. Plaintiff request Compensatory Damages in the amount of \$50 and all costs, fees, charges incurred in this litigation.

#14. Grant other relief as it may appear that plaintiff is entitled.

I understand that a false statement to any question in this declaration will subject me to penalties for perjury.

I declare under the penalty of perjury that the foregoing is true and correct.

6-9-21

Date

LaMont-Oshea Douglas
Autograph, sui juris, Pro-se

LAMONT - O'SHEA... DOUGLAS

[1159899 / O.S. 01867111]

Trenton State Prison

P.O. Box 861

Trenton, New Jersey USA



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